

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PUBLIC HEARING ON
adoption of New Rule I State)	PROPOSED ADOPTION
Solid Waste Management and)	
Resource Recovery Plan)	(SOLID WASTE)

TO: All Concerned Persons

1. On November 18, 2005, at 2:00 p.m., the Board of Environmental Review will hold a public hearing in Room 111, Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to consider the adoption of the above-stated rule.

2. The Board will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board no later than 5:00 p.m., November 7, 2005, to advise us of the nature of the accommodation that you need. Please contact the Board Secretary at P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2544; fax (406) 444-4386; or email ber@mt.gov.

3. The proposed new rule will provide as follows:

NEW RULE I STATE SOLID WASTE MANAGEMENT AND RESOURCE RECOVERY PLAN (1) The board adopts and incorporates by reference the Integrated Waste Management Plan (IWMP), 2006 edition, as the state solid waste management and resource recovery plan. Copies of the plan may be obtained by contacting the Air, Energy and Pollution Prevention Bureau, Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; by phone at (406) 841-5200; or at <http://www.deq.mt.gov/Recycle/intewastemanag.asp>.

AUTH: 75-10-106, MCA

IMP: 75-10-111, 75-10-807, MCA

REASON: The Department of Environmental Quality is required to prepare a proposed final solid waste management plan for submission to the Board of Environmental Review for the Board's consideration pursuant to the Montana Integrated Waste Management Act, Title 75, chapter 10, part 8, MCA, and the Montana Solid Waste Management Act at 75-10-111, MCA. The proposed plan would adopt the targets set by the Legislature in section 2, Ch. 62, Laws of 2005 (which amended 75-10-803, MCA), for rates of recycling and composting as follows: (a) 17% of the solid waste that is generated by households, businesses, and governments and that is either disposed of in landfills or burned in an incinerator in Montana by 2008; (b) 19% by 2011; and (c) 22% by 2015. The plan also proposes policy and provides guidance for the state of Montana as it seeks to improve the landfills in the state to better protect the public health and

as it moves toward a more integrated approach to waste management. More specific rationales for various plan components are contained within the plan itself. Upon adoption by the Board, the Department is to implement the plan.

4. The proposed final plan can be obtained either in hard copy or on compact disc by all interested persons upon request from the Air, Energy and Pollution Prevention Bureau, Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901, or at <http://www.deq.mt.gov/Recycle/intewastemanag.asp>.

5. Katherine Orr, attorney for the Board, or another attorney for the Agency Legal Services Bureau, has been designated to preside over and conduct the hearing.

6. Concerned persons may submit their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to the Board Secretary at Board of Environmental Review, 1520 E. Sixth Avenue, P.O. Box 200901, Helena, Montana, 59620-0901; faxed to (406) 444-4386; or emailed to ber@mt.gov, no later than 5:00 p.m., November 25, 2005. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

7. The Board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supplies; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; opencut mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. Such written request may be mailed or delivered to the Board Secretary at Board of Environmental Review, 1520 E. Sixth Ave., P.O. Box 200901, Helena, Montana 59620-0901; faxed to (406) 444-4386; emailed to ber@mt.gov; or may be made by completing a request form at any rules hearing held by the Board.

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

John F. North

JOHN F. NORTH
Rule Reviewer

BY: Joseph W. Russell

JOSEPH W. RUSSELL, M.P.H.,
Chairman

Certified to the Secretary of State October 17, 2005.